

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**THE MUNICIPALITY OF SAN JUAN
PUERTO RICO,**

Plaintiff,

v.

EXXON MOBIL CORP. et al.,

Defendants.

Case No. 3:23-cv-01608-ADC

**DEFENDANTS' MOTION FOR LEAVE TO FILE REPLIES
IN EXCESS OF PAGE LIMIT AND FOR AN EXTENSION OF TIME**

TO THE HONORABLE COURT:

COME NOW Defendants, through their respective counsel, and respectfully state and pray as follows:

1. By Order entered on April 3, 2025 (Dkt. No. 163), this Honorable Court struck from the record the omnibus oppositions filed by Plaintiff (Dkt. Nos. 137 and 139) to the Motions to Dismiss filed by Defendants BHP Group Limited, BP p.l.c., and Shell plc (collectively, the “Foreign Defendants”) (Dkt. Nos. 119, 120, 121, 122, 123) and ordered Plaintiff to file separate responses to said Motions by April 21, 2025. (Dkt. No. 163.) It further granted the Foreign Defendants and Rio Tinto plc leave to file Replies in support of their Motions to Dismiss by May 5, 2025. (*Id.*)

2. By Order entered on April 10, 2025 (Dkt. No. 172), this Honorable Court granted Occidental Petroleum Corporation, Exxon Mobil Corp., Chevron Corp., ConocoPhillips, and Motiva Enterprises LLC (collectively, the “Domestic Defendants”) until April 30, 2025 to file Replies to the omnibus Oppositions to their Motions to Dismiss. The Order further stated: “The

Court encourages the defendants to economize resources and file jointly, if feasible. Any reply shall not exceed ten pages in length without prior leave of Court.” (*Id.*)

3. In compliance with the Court’s directive that defendants “economize resources and file jointly, if feasible” (*id.*), Defendants, collectively, hereby respectfully request leave to file a single Joint Reply in support of their respective Joint Motions to Dismiss for Lack of Jurisdiction (Dkt. Nos. 31, 119), a single Joint Reply in support of their respective Joint Motions to Dismiss for Failure to State a Claim (Dkt. Nos. 34, 119), and a single Joint Reply in support of the Joint Motion for Judicial Notice (Dkt. Nos. 35, 119). The Foreign Defendants and Rio Tinto subsequently joined and incorporated by reference the Domestic Defendants’ Joint Motions, so the arguments will be more efficiently addressed together. (*See* Dkt. No. 119 (Foreign Defendants adopting Dkt. Nos. 31, 34, and 35); Dkt. Nos. 148–49 (Rio Tinto adopting Dkt. Nos. 31, 34, 119).)

4. To accommodate these joint filings, Defendants respectfully request leave to file the Joint Replies in excess of the page limits, allowing them 15 pages for the Joint Reply in support of the Motions to Dismiss for Lack of Jurisdiction, 35 pages for the Joint Reply in support of the Motions to Dismiss for Failure to State a Claim, and 10 pages for the Joint Reply in support of the Motion for Judicial Notice.

5. To the extent these Joint Replies do not address arguments made by a Defendant in its individual Motion to Dismiss (Dkt. Nos. 28, 30, 32, 35–37, 39, 120, 121, 122, 123, 148, 149), Defendants would file individual Replies in compliance with the 10-page limit set forth in Local Civil Rule 7(c), as already contemplated by the Court (Dkt. Nos. 163, 172).

6. Defendants further respectfully request an extension of time, until May 12, 2025, to file their individual and Joint Replies.

7. As noted in paragraph 1, the Court ordered Plaintiff to file separate oppositions to the Foreign Defendants’ Motions to Dismiss by Monday, April 21, 2025. (Dkt. No. 163.) The

Domestic Defendants moved to strike Plaintiff's omnibus Oppositions (Dkt. Nos. 72-73) to the Domestic Defendants' Motions to Dismiss. The Domestic Defendants respectfully suggest that requiring Plaintiff to also file separate Oppositions to the Domestic Defendants' individual and joint Motions to Dismiss will permit more focused arguments and responses to Plaintiff's opposition, easing the burden on the Court. If the Court agrees and is inclined to require Plaintiff to file separate responses to the Domestic Defendants' Motions to Dismiss, Defendants respectfully propose that the deadline for Plaintiff to file such separate responses be moved from April 21, 2025 to April 28, 2025.

WHEREFORE, it is respectfully requested that this Honorable Court enter an order granting the Defendants leave to file a single Joint Reply in support of their Motions to Dismiss for Failure to State a Claim not exceeding 35 pages, a single Joint Reply in support of their Motions to Dismiss for Lack of Jurisdiction not exceeding 15 pages, a single Joint Reply in support of their Motion for Judicial Notice not exceeding 10 pages, and, to the extent needed, individual Replies in support of their respective individual Motions to Dismiss not exceeding 10 pages, by May 12, 2025.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of April 2025.

By: Roberto C. Quiñones-Rivera
 Roberto C. Quiñones-Rivera
 USDC-PR Bar No. 211512
 Eduardo A. Zayas-Marxuach
 USDC-PR Bar No. 216112
 Myrgia M. Palacios-Cabrera
 USDC-PR Bar No. 230807
MCCONNELL VALDÉS LLC
 P.O. Box 364225
 San Juan, PR 00936-4225
 Telephone: 787-250-2631
 Email: rcq@mcvpr.com
 Email: ezm@mcvpr.com
 Email: mpc@mcvpr.com

Theodore J. Boutrous, Jr. (*pro hac vice*)
William E. Thomson (*pro hac vice*)
Joshua D. Dick (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: (213) 229-7000
Email: tboutrous@gibsondunn.com
Email: wthomson@gibsondunn.com
Email: jdick@gibsondunn.com

Thomas G. Hungar (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue NW
Washington, D.C. 20036
Telephone: (202) 887-3784
Email: thungar@gibsondunn.com

Neal S. Manne (*pro hac vice* forthcoming)
Erica Harris (*pro hac vice* forthcoming)
SUSMAN GODFREY LLP
1000 Louisiana, Suite 5100
Houston, TX 77002
Telephone: 713.651.9366
Facsimile: 713.654.6666
Email: nmanne@susmangodfrey.com
Email: eharris@susmangodfrey.com

*Attorneys for Defendant CHEVRON
CORPORATION*

By: s/ Néstor M. Méndez Gómez
Néstor M. Méndez Gómez
USDC-PR Bar No. 118409
s/ María D. Trelles Hernández
María D. Trelles Hernández
USDC-PR Bar No. 225106
PIETRANTONI MÉNDEZ & ÁLVAREZ LLC
Popular Center, 19th Floor
208 Ponce de León Ave.
San Juan, Puerto Rico 00918
Telephone: (787) 274-1212
Facsimile: (787) 274-1470
Email: nmendez@pmalaw.com
Email: mtrelles@pmalaw.com

Theodore V. Wells, Jr. (*pro hac vice*)
Daniel J. Toal (*pro hac vice*)
Yahonnes Cleary (*pro hac vice*)
Caitlin E. Grusauskas (*pro hac vice*)
**PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP**
1285 Avenue of the Americas
New York, New York 10019-6064
Telephone: (212) 373-3000
Facsimile: (212) 757-3990
Email: twells@paulweiss.com
Email: dtoal@paulweiss.com
Email: ycleary@paulweiss.com
Email: cgrusauskas@paulweiss.com

*Attorneys for Defendant EXXON MOBIL
CORPORATION*

By: *s/Kenneth C. Suria*
Kenneth C. Suria
USDC-PR Bar No. 213302
ESTRELLA, LLC
P.O. Box 9023596
San Juan, Puerto Rico 00902-3596
Telephone: (787) 977-5050
Facsimile: (787) 977-5090
E-mail: kcsuria@estrellallc.com

Tracie J. Renfroe (*pro hac vice*)
KING & SPALDING LLP
1100 Louisiana, Suite 4100
Houston, TX 77002
Telephone: (713) 751-3200
Facsimile: (713) 751-3290
E-mail: trenfroe@kslaw.com

Oliver Thoma (*pro hac vice*)
**WEST, WEBB, ALLBRITTON &
GENTRY, P.C.**
1515 Emerald Plaza
College Station, Texas 77845
Ph: (979) 694-7000
Fax: (979) 694-8000
Email: oliver.thoma@westwebblaw.com

*Attorneys for Defendant
MOTIVA ENTERPRISES LLC*

By: s/Heriberto J. Burgos
Heriberto J. Burgos-Pérez
USDC-PR No. 204809
Ricardo F. Casellas Sánchez
USDC-PR No. 203114
CASELLAS ALCOVER & BURGOS, P.S.C.
2 Tabonuco, Suite 400
San Patricio, PR 00968
Telephone: (787) 756-1400
Facsimile: (787) 756-1401
Email: hburgos@cabprlaw.com
Email: rcasellas@cabprlaw.com

Matthew T. Martens (*pro hac vice*)
Ericka Aiken (*pro hac vice*)
**WILMER CUTLER PICKERING HALE
AND DORR LLP**
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Telephone: (202) 663-6000
Facsimile: (202) 663-6363
Email: matthew.martens@wilmerhale.com
Email: ericka.aiken@wilmerhale.com

Hallie B. Levin (*pro hac vice*)
**WILMER CUTLER PICKERING HALE
AND DORR LLP**
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Telephone: (212) 230-8800
Facsimile: (212) 230-8888
Email: hallie.levin@wilmerhale.com

Robert Kingsley Smith (*pro hac vice*)
**WILMER CUTLER PICKERING HALE
AND DORR LLP**
60 State Street
Boston, MA 02109
Telephone: 617-526-6000
Facsimile: 617-526-5000
Email: robert.smith@wilmerhale.com

Attorneys for Defendant ConocoPhillips

By: /s/ Carlos A. Valldejuly
Carlos A. Valldejuly (USDC No. 209505)

José J. Colón García (USDC No. 308010)

O'NEILL & BORGES LLC

250 Muñoz Rivera Avenue, Suite 800

San Juan, Puerto Rico 00918-1813

Tel.: (787) 764-8181

Fax: (787) 753-8944

carlos.valldejuly@oneillborges.com

jose.colon@oneillborges.com

David C. Frederick (*pro hac vice*)

James M. Webster, III (*pro hac vice*)

Daniel S. Severson (*pro hac vice*)

Grace W. Knofczynski (*pro hac vice*)

KELLOGG, HANSEN, TODD, FIGEL

& FREDERICK, P.L.L.C.

1615 M Street, N.W., Suite 400

Washington, D.C. 20036

Tel.: (202) 326-7900

Fax: (202) 326-7999

dfrederick@kellogghansen.com

jwebster@kellogghansen.com

dseverson@kellogghansen.com

gknofczynski@kellogghansen.com

Counsel for Defendant

Shell plc (f/k/a Royal Dutch Shell plc)

By: /s/ Carlos A. Rodriguez-Vidal

Carlos A. Rodriguez-Vidal (USDC No. 201213)

GOLDMAN ANTONETTI & CÓRDOVA, LLC

American International Plaza

250 Muñoz Rivera Avenue, Suite 1500

San Juan, Puerto Rico 00918

Tel.: (787) 759-4117

Fax: (787) 767-9333

crodriguez-vidal@gaclaw.com

Victor L. Hou (*pro hac vice*)

Boaz S. Morag (*pro hac vice*)

CLEARY GOTTlieb STEEN &

HAMILTON LLP

One Liberty Plaza

New York, NY 10006

Tel.: (212) 225-2000

Fax: (212) 225-3159

vhou@cgsh.com

bmorag@cgsh.com

Counsel for Defendant BHP Group Limited

By: /s/ Eric Pérez-Ochoa

Eric Pérez-Ochoa (USDC No. 206314)

Luis A. Oliver-Fraticelli (USDC No. 209204)

Sharlene Malavé Vallines (USDC No. 227409)

**ADSUAR MUÑIZ GOYCO SEDA &
PÉREZ-OCHOA, P.S.C.**

P.O. Box 70294

San Juan, Puerto Rico 00936-8294

Tel.: (787) 281-1813

Fax: (787) 756-9010

epo@amgprlaw.com

loliver@amgprlaw.com

smalave@amgprlaw.com

Diana E. Reiter (*pro hac vice*)

ARNOLD & PORTER KAYE SCHOLER LLP

250 West 55th Street

New York, NY 10019-9710

Tel.: (212) 836-8000

Fax: (212) 836-8689

diana.reiter@arnoldporter.com

John D. Lombardo (*pro hac vice*)

Sean Morris (*pro hac vice*)

ARNOLD & PORTER KAYE SCHOLER LLP

777 South Figueroa Street, 44th Floor

Los Angeles, CA 90017-5844

Tel.: (213) 243-4000

Fax: (213) 243-4199

john.lombardo@arnoldporter.com

sean.morris@arnoldporter.com

Jonathan W. Hughes (*pro hac vice*)

**ARNOLD & PORTER KAYE
SCHOLER LLP**

Three Embarcadero Center, 10th Floor

San Francisco, CA 94111-4024

Tel.: (415) 471-3156

Fax: (415) 471-3400

jonathan.hughes@arnoldporter.com

Counsel for Defendant BP p.l.c.

By: /s/ Roberto A. Cámara-Fuentes

Roberto A. Cámara-Fuentes

USDC-PR Bar No. 219002

FERRAIUOLI LLC

PO Box 195168

San Juan, Puerto Rico 00919-5168

Tel.: (787) 766-7000

Fax: (787) 766-7001

rcamara@ferraiuoli.com

David Y. Livshiz (pro hac vice)

Noelle L. Williams (pro hac vice)

Jennifer E. King (pro hac vice)

FRESHFIELDS US LLP

3 World Trade Center

175 Greenwich St., 51st Floor

New York, NY 10007

Tel.: (212) 277-4000

Fax: (212) 277-4001

david.livshiz@freshfields.com

noelle.williams@freshfields.com

jennifer.king@freshfields.com

Jennifer Loeb (pro hac vice)

FRESHFIELDS US LLP

700 13th Street, NW, 10th Floor

Washington, DC 20005

Tel.: (202) 777-4500

Fax: (202) 777-4555

jennifer.loeb@freshfields.com

Attorneys for Defendant Rio Tinto plc

By: s/ David Indiano

David Indiano

USDC-PR Bar No. 200601

INDIANO & WILLIAMS, P.S.C.

207 del Parque Street; 3rd Floor

San Juan, P.R. 00912

Duke K. McCall, III (*pro hac vice forthcoming*)

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Ave, NW

Washington D.C., 20004

Attorneys for Defendant

OCCIDENTAL PETROLEUM CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that, on the above date, I filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel record who are CM/ECF system participants at their corresponding e-mail addresses.

By: s/Roberto C. Quiñones-Rivera
Roberto C. Quiñones-Rivera